THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION No. 6164 of 2004

Dt:18.10.2005

Between:

Kanhyalal

.. Petitioner

and

State of A.P. and others

.. Respondents

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 6164 of 2004

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in maintaining the rowdy sheet against the petitioner in Shahinayathgunj Police Station, as illegal and arbitrary.

In pursuance of the Rule nisi ordered, the Inspector of Police, P.S. Shahinayathgunj filed a counter-affidavit stating as under:

> "It is submitted that the petitioner was bounded over for six months on dated 03.04.2005 as he was about to commit a cognizable offence along with other rowdy sheeters at Jummeraath Bazaar. On that he was arrested in Cr.No.87 of 2004 and bounded over under Section 107 Cr.P.C. by producing before the Commissioner of Police.
>
> It is submitted that after acquittal of the case, the petitioner is indulging in more Law and Order problems and threatening the locality people and also business people from Begum Bazaar area to extract money. He is also collecting mamools from local business people every month. Due to the fear of petitioner, people are not coming forward to give complaint against him in Police Station.
>
> I submit that the Police is not at all restraining him to leave the jurisdiction nor we are disturbing his livelihood and his business, only surveillance is kept over him to check his illegal activities".

In view of the above averments in the counter affidavit which remained unrebutted, I am not inclined to issue a writ of *Mandamus* as prayed for. However, it is made clear that the case of the petitioner may be reviewed periodically in accordance with law and appropriate orders be passed with regard to continuation or otherwise of rowdy sheet against him.

The writ petition is accordingly disposed of. There shall be no order as to costs.

18.10.2005

kdl